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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9 WESTERN DIVISION
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11 ABEL CASTILLO,) No. SA CV 08-01311-GW (VBK)
12)
13 Petitioner,) ORDER (1) ACCEPTING AND ADOPTING
14) THE AMENDED REPORT AND
15 v.) RECOMMENDATION OF THE UNITED
16) STATES MAGISTRATE JUDGE, AND (2)
17 ANTHONY HEDGPETH,) DISMISSING THE PETITION FOR WRIT
18) OF HABEAS CORPUS
19 Respondent.)
20 _____)
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22 Pursuant to 28 U.S.C. §636, the Court has made a de novo review
23 of the Petition for Writ of Habeas Corpus ("Petition"), Respondent's
24 Answer, Petitioner's Traverse, all of the records herein and the
25 Amended Report and Recommendation of the United States Magistrate
26 Judge ("Amended Report").
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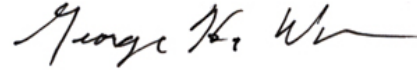
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1 **IT IS ORDERED** that: (1) the Court accepts and adopts the Amended
 2 Report and Recommendation, (2) the Court declines to issue an Order for
 3 a Certificate of Appealability ("COA");¹ and (3) Judgment be entered
 4 dismissing the Petition with prejudice.

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 6 DATED: May 26, 2010



7 GEORGE H. WU
 8 UNITED STATES DISTRICT JUDGE
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21 ¹ Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the
 22 applicant has made a substantial showing of the denial of a
 23 constitutional right." The Supreme Court has held that, to obtain a
 24 Certificate of Appealability under §2253(c), a habeas petitioner must
 25 show that "reasonable jurists could debate whether (or, for that
 26 matter, agree that) the petition should have been resolved in a
 27 different manner or that the issues presented were 'adequate to
 28 deserve encouragement to proceed further'." Slack v. McDaniel, 529
 U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks
 omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct.
 1029 (2003). After review of Petitioner's contentions herein, this
 Court concludes that Petitioner has not made a substantial showing of
 the denial of a constitutional right, as is required to support the
 issuance of a COA.